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2 United States Attorney

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RICHARD W. WIEKING
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NORTHERN DISTRICT OF CALIFORNIA

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BY COURT CLERK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ASHRAF ALI,
a/k/a Mike Ali,
YASMIN ALI,
ABDUL WAHEED,
NOOR MOHAMMAD,

Defendants.

CR. 04-02927

VIOLATIONS: 8 U.S.C. § 1324(a)(1)(v)(I)
– Conspiracy to Harbor Illegal Aliens, 8
U.S.C. § 1324(a)(1)(A)(iii) and (B)(i) –
Harboring Illegal Aliens, 8 U.S.C. §
1324(a)(1)(v)(II) – Aiding and Abetting the
Harboring of Illegal Aliens, 8 U.S.C. §
1324a(a)(1)(A) and (f)(1) – Pattern and
Practice of Hiring Illegal Aliens, 18 U.S.C. §
371 – Conspiracy to Engage in a Pattern and
Practice of Continued Employment of Illegal
Aliens, 8 U.S.C. § 1324a(a)(2) and (f)(1) –
Pattern and Practice of Continued
Employment of Illegal Aliens, 18 U.S.C. § 2
– Aiding and Abetting

PJH

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

1. From at least September, 1999 until on or about November 5, 2003, defendants
ASHRAF ALI and YASMIN ALI, and others known and unknown to the grand jury, did
knowingly and intentionally engage in a scheme that constituted a pattern and practice of hiring

INDICTMENT

1 illegal aliens and continuing to employ such aliens at businesses owned and controlled by
2 ASHRAF ALI and YASMIN ALI.

3 2. From at least September, 1999 until on or about November 5, 2003, ASHRAF
4 ALI and YASMIN ALI, and others known and unknown to the grand jury, did knowingly and
5 intentionally engage in a scheme to harbor illegal aliens employed at businesses owned and
6 controlled by ASHRAF ALI and YASMIN ALI at residences leased by ASHRAF ALI.

7 3. From at least September, 1999 until on or about November 5, 2003, ASHRAF
8 ALI and YASMIN ALI, and others known and unknown to the grand jury, did knowingly and
9 intentionally engage in a scheme to defraud the employees of businesses which they owned and
10 controlled in the Northern District of California and elsewhere, among other acts and omissions:

- 11 • to pay less than the minimum wage established by federal and state law to new
12 employees;
- 13 • to withhold overtime pay even while their employees regularly worked in excess
14 of eight hours per day and 40 hours per week;
- 15 • to pay employees in checks made payable to persons other than the employees;
16 and,
- 17 • to deduct from the paychecks of undocumented workers monies that went to pay a
18 portion of their rent at residences that ALI had leased on their behalf.

17 **COUNT ONE:** (8 U.S.C. §§ 1324(a)(1)(A)(iii), 1324(a)(1)(B)(i) and 1324(a)(1)(v)(II),
18 18 U.S.C. § 2 - Harboring Illegal Aliens)

19 4. Beginning at a time unknown to the Grand Jury, but no later than on or about
20 September, 1999, and continuing thereafter until on or about November 5, 2003, in the Northern
21 District of California, the defendants,

22 **ASHRAF ALI,**
23 **a/k/a Mike Ali, and**
YASMIN ALI,

24 knowing and in reckless disregard of the fact that an alien had come to the United States in
25 violation of law, did conceal, harbor, and shield from detection, such alien in a place, for the
26 purpose of commercial advantage and private financial gain, and did aid and abet in same, in
27 violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii), 1324(a)(1)(B)(i) and
28 1324(a)(1)(v)(II) and Title 18, United States Code Section 2.

1 **COUNT TWO:** (8 U.S.C. §§ 1324(a)(1)(A)(iii), 1324(a)(1)(B)(i) - Harboring Illegal
2 Aliens)

3 5. On or about August 25, 2001, in the Northern District of California, the
4 defendant,

5 **ABDUL WAHEED,**

6 knowing and in reckless disregard of the fact that an alien had come to the United States in
7 violation of law, did conceal, harbor, and shield from detection, such alien in a place, for the
8 purpose of commercial advantage and private financial gain, in violation of Title 8, United States
9 Code, Sections 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(i).
10

11 **COUNT THREE:** (8 U.S.C. §§ 1324(a)(1)(A)(iii), 1324(a)(1)(B)(i) -Harboring Illegal
12 Aliens)

13 6. From on or about September 2003 until or or about November 5, 2003, in the
14 Northern District of California, the defendant,

15 **NOOR MOHAMMAD,**

16 knowing and in reckless disregard of the fact that an alien had come to the United States in
17 violation of law, did conceal, harbor, and shield from detection, such alien in a place, for the
18 purpose of commercial advantage and private financial gain, in violation of Title 8, United States
19 Code, Sections 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(i).
20

21 **COUNT FOUR:** (8 U.S.C. §§ 1324a(a)(1)(A) and (f)(1), 18 U.S.C. § 2 – Pattern and
22 Practice of Hiring Illegal Aliens)

23 7. Beginning at a time unknown to the Grand Jury, but no later than in or about
24 September, 1999, and continuing thereafter until on or about November 5, 2003, in the Northern
25 District of California, the defendant,

26 **ASHRAF ALI,**
27 **a/k/a Mike Ali,**

28 did engage in a pattern and practice of knowingly hiring for employment aliens who were not

1 lawfully admitted to the United States and who were not authorized to work in the United States,
2 and did aid and abet in same, in violation of Title 8, United States Code, Sections 1324a(a)(1)(A)
3 and 1324a(f)(1) and Title 18, United States Code, Section 2.

4
5 **COUNT FIVE:** (8 U.S.C. §§ 1324a(a)(2) and (f)(1), 18 U.S.C. § 2 – Pattern and
6 Practice of Continued Employment of Illegal Aliens)

7 8. Beginning at a time unknown to the Grand Jury, but no later than in or about
8 September, 1999, and continuing thereafter until on or about November 5, 2003, in the Northern
9 District of California, the defendants,

10 **ASHRAF ALI,**
11 **a/k/a Mike Ali, and**
YASMIN ALI,

12 after knowingly hiring for employment aliens who were not lawfully admitted to the United
13 States and who were not authorized to work in the United States, did engage in a pattern and
14 practice of continuing to employ such aliens knowing that the aliens are and have become aliens
15 unauthorized to work in the United States, and did aid and abet in same, in violation of 8 United
16 States Code, Sections 1324a(a)(2) and 1324a(f)(1) and Title 18, United States Code, Section 2.

17
18 **SENTENCING FACTOR ALLEGATIONS:**

19 With respect to Count One, the offense involved the harboring of six or more, but not
20 more than twenty-four, unlawful aliens.

21 DATED:

A TRUE BILL.

22 *Sept 9, 2004*

23 *Ramerville*
FOREPERSON

24 KEVIN V. RYAN
United States Attorney

25 *Ross W. Nadel*
26 ROSS W. NADEL
27 Chief, Criminal Division

28 (Approved as to form: *[Signature]*)

AUSAs LUCY/FERNANDEZ

INDICTMENT